

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**CANDACE IRON HAWK and ROBERT
VAN PELT,**

Plaintiffs,

v.

**BANK2 and DOVENMUEHLE
MORTGAGE, INC.,**

Defendants.

Case No. 3:15-cv-1374-PK

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Paul Papak issued Findings and Recommendations in this case on October 19, 2016. ECF 155. Judge Papak recommended that the Court deny Plaintiffs' motion for attorney's fees with leave to refile after final resolution of all pending claims in this matter and that the Court deny Plaintiffs' motion for sanctions.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate’s recommendations for “clear error on the face of the record.”

No party has objected to Judge Papak’s Findings and Recommendations. Accordingly, the Court reviews Judge Papak’s Findings and Recommendations for clear error. Finding no clear error, the Court adopts Judge Papak’s Findings and Recommendations.

CONCLUSION

The Court ADOPTS Judge Papak’s Findings and Recommendations (ECF 155). Plaintiff’s motion for attorney’s fees (ECF 144) is DENIED with leave to renew after final resolution of this case. Plaintiff’s motion for sanctions (ECF 145) is DENIED.

IT IS SO ORDERED.

DATED this 10th day of November, 2016.

/s/ Michael H. Simon
 Michael H. Simon
 United States District Judge